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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,829	03/12/2004	John Sievers	199-0222US	8508
29855 7590 08/02/2007 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			EXAMINER WERNER, DAVID N	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,829

Applicant(s)

SIEVERS, JOHN

Examiner

David N. Werner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040312</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This is the First Action on the Merits for US Patent Application 10/799829.

Currently, claims 1-10 are pending.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. **If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement.** In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;**
- (2) if an article, its method of making;**
- (3) if a chemical compound, its identity and use;**
- (4) if a mixture, its ingredients;**
- (5) if a process, the steps.**

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it fails to provide an adequate technical disclosure of the invention. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by ITU-T H.261. H.261 is a well-known video encoding and decoding standard. Regarding claim 1, in H.261, a frame is divided into a Group of Blocks (GOBs), which in turn, are subdivided into macroblocks (§ 4.2.2, § 4.3.3). The GOB corresponds with the claimed "slice group". Each GOB is divided into 33 macroblocks. In an intra frame of H.261, every macroblock is intra-refreshed (§ 3.2). Since in H.261, motion compensation is optional (§ 3.2.2), it is possible for every frame to be an intra frame. Then, the steps of "dividing each frame into a plurality of macroblocks" and "assigning...macroblocks to be intra refreshed to a first slice group" may occur for every frame. In H.261, two frame formats are allowed: CIF and QCIF (§ 3.1). In CIF, there are 12 GOBs per image, and in QCIF, there are 3 GOBs per image (§ 4.2.2). The location of each GOB is defined in an image, and so the location of a particular macroblock determines its assignment to the proper GOB. This corresponds with the steps of assigning a first set of macroblocks to a first slice group, and assigning a second set of macroblocks to the other slice groups. Each GOB contains, in its header, a Group Number (GN) field (§ 4.2.2.2). This field indicates the position of the GOB in the frame. In a CIF frame, GNs 1-12 are

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allowed, and in a QCIF frame, GNs 1, 3, and 5 are allowed (§ 4.2.2). This corresponds with generating a slice group map. Since in an H.261 intra frame, all macroblocks are inter refreshed, the map index corresponds to the GOB map shown in figure 6 of the H.261 standard. Regarding claim 2, the GN field is part of the GOB header, transmitted with the macroblock data itself as part of a video bitstream. H.261 was expressly designed for the transmittal of video data between devices (Preamble). Regarding claims 3 and 4, H.261 describes a video multiplex decoder that performs the reverse of the video multiplex coding operations described above (§ 1, § 2, § 2.2, figure 1). In an H.261 intra frame, each macroblock is separately encoded by the discrete cosine transform (§ 4.2.4.1), and optionally quantized (§ 4.2.3.3), so other macroblocks are not referred to during decoding. Even in an inter coded frame, if motion compensation is not turned on, what is transmitted is the prediction error between corresponding macroblocks in subsequent frames (§ 3.2), and so, again, there is no referral to other macroblocks. Regarding claim 5, H.261 was designed for applications in which a display is inherent, such as television (Preamble). Regarding claim 6, an H.261 decoder contains a receiving buffer memory that stores the encoded videostream (Annex B).

6. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,305,097 A (Sato et al.). Sato et al. describes a videophone. Regarding claims 7 and 9, one embodiment of Sato et al. encodes and decodes H.261 video (column 8: line 63), and so can perform the encoding and decoding processes described, similar to those in claim 1 and claim 3. This embodiment contains image encode/decode unit

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1015 that performs the video processing (column 8: lines 58-61). The apparatus is controlled by CPU 1004, which operates instructions programmed in ROM 1005 (column 7: lines 37-40). Regarding claim 8, the apparatus of Sato et al. contains camera 1012 (column 8: line 51), and regarding claim 10, the apparatus of Sato et al. contains display unit 1013 that outputs the video (column 8: lines 52-53).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571) 272-9662. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri, can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNW

Mehrdad Dastouri
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SUPERVISORY PATENT EXAMINER
TC 2600